

WHEREFORE, the Parties hereby move this Court for an Order (1) preliminarily approving the terms of a proposed class action settlement; (2) provisionally concluding that the proposed Class meets the requirements for certification under Rule 23 of the Federal Rules of Civil Procedure, for settlement purposes only; (3) approving the form and method of providing notice of the Settlement to the Class as set forth in the Settlement Agreement, and directing that said form of notice be provided to Class Members in that manner; and (4) scheduling a Final Settlement Hearing at which the request for final approval of the proposed Settlement, Plaintiff's Counsel's application for an award of attorneys' fees and costs, and for the entry of the Final Judgment and Order will be considered. A proposed Order Preliminarily Approving the Class Settlement, Directing the Issuance of Notice to the Class and Scheduling a Settlement Hearing is attached to the Settlement Agreement as Exhibit D.

Respectfully submitted,

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